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Attorney for counter-defendant SHAUKAT "SAL" MAREDIA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA (FRESNO)

SHAUKAT "SAL" MAREDIA,

Plaintiff,

v.

PHILIP MORRIS USA INC.,

Defendant.

Case No. CV 05-00393-OWW-SMS

**STIPULATION ALLOWING FILING OF
THIRD AMENDED COMPLAINT; ORDER
THEREON**

Consolidated With: CV 05-00402-OWW-SMS

PHILIP MORRIS USA INC.,

Counter-Claimant,

v.

SHAUKAT "SAL" MAREDIA,

Counter-Defendant.

WHEREAS, at the Scheduling Conference held November 4, 2005, it was agreed that plaintiff would file his second amended complaint to, among other things, delete the request for attorney's fees;

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1 WHEREAS, plaintiff's second amended complaint was filed on November 10,
2 2005, but through an oversight, the request for attorney's fees was not deleted; and

3 WHEREAS, the parties desire that plaintiff be permitted to file his third amended
4 complaint for the sole purposes of deleting the request for attorney's fees,

5 IT IS HEREBY STIPULATED, by and between the parties hereto through their
6 respective counsel, that within ten days of the entry of the order on this stipulation plaintiff may
7 file his third amended complaint for the sole purpose of deleting his request for attorney's fees.

8 Dated: December 5, 2005

9 /s/ Charles L. Doerksen

10 _____
11 Charles L. Doerksen,
12 Attorney for plaintiff
13 SHAUKAT "SAL" MAREDA

14 Dated: December 5, 2005

15 /s/ Leopoldo J. Chanco

16 By _____
17 Leopoldo J. Chanco
18 Attorney for defendant
19 PHILIP MORRIS USA INC.

20 IT IS SO ORDERED

21 Dated: _12/6/ 2005

22 /s/Oliver W. Wanger
23 Judge, U.S. District Court
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